

**WILLIAMSBURG CITY COUNCIL  
MINUTES  
SEPTEMBER 11, 2003**

The Williamsburg City Council held its regular monthly meeting on September 11, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Nester, Hudson, Serra, Weiler, Yost, Walentisch and Assistant City Manager, Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Houghland Moved Approval of the City Council Minutes of August 14, 2003. The Motion Was Seconded By Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**PUBLIC HEARINGS**

**PCR #03-10: Request of the Colonial Williamsburg Foundation to rezone approximately 42.5 acres of land located west of Pocahontas Trail (Route 60 East) at 7239 Pocahontas Trail from RS-1 to MS, Proposed Ordinance #03-29**

**PCR #03-11: Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance, Sec. 21-434, Uses Permitted with a Special Use Permit in the MS District to expand the uses allowed in conjunction with a vehicle maintenance facility, Proposed Ordinance #03-30**

**PCR #03-12: Request of the Colonial Williamsburg Foundation for a special use permit for a vehicle maintenance facility located at 7239 Pocahontas Trail.**

Reference for these items was Mr. Nester's report dated September 11, 2003. Mr. Nester combined his presentations on these requests. Colonial Williamsburg is proposing to rezone 42.5 acres of land from RS-1 to MS (PCR #03-10). A vehicle maintenance facility is proposed on a portion of the area. The site is near the Historic District and an existing warehouse distribution facility. The rezoning to Museum Support is consistent with the Comprehensive Plan.

The main purpose of the vehicle maintenance facility will be to maintain the CWF fleet and to have a dedicated location for tour buses to park. The Museum Support (MS) zoning designation does not address some of the specific uses proposed for the facility. Therefore, Colonial Williamsburg is requesting to amend the Zoning Ordinance to include a

Special Use Permit in the MS District to include “vehicle maintenance facilities which may include tour bus parking, fueling facilities, bus driver lounges, truck and trailer rental with storage of vehicles on premises, and related facilities” (PCR #03-11). If Council approves the rezoning and text amendment, they will then be able to consider the Special Use Permit for the vehicle maintenance facility. Mr. Nester reviewed the site plan for the facility and landscaping on the site. The purpose of the facility is to provide maintenance for the fleet, tour buses, and Penske truck leasing operation. The use is consistent with the Comprehensive Plan.

Planning Commission held public hearings on the three requests. They recommended approval of the requests with contingencies. If Council approves the rezoning and text amendment, then Proposed Ordinances #03-29 and #03-30 need to be adopted. Then Council could consider the special use permit.

Mayor Zeidler opened the public hearings.

**Danny McDaniel represented Colonial Williamsburg**, and was accompanied by his colleagues. The main facility was designed to better manage buses and that the Franklin Street facility needed to be replaced. The property is close to CWF and large enough to handle the facility. It is consistent with the Comprehensive Plan. The new facility will allow for better protection of the Historic Area and its neighbors. He asked for Council's favorable consideration. He thanked Mr. Nester for his guidance and cooperation.

**Dennis Cotner, 127 Wilson Circle**, asked Council not to approve this request because this project ignores history. He believed that there were civil war relics in the area and that CWF did not excavate as deep as they should have. While he favored the new maintenance facility, he did not approve of this location on historic ground.

**Andy Edwards**, Staff Architect for CWF, said that no civil war features or artifacts were recovered.

Mayor Zeidler closed. The public hearing.

Council members were pleased that buses will no longer be sitting on city streets.

**Scott Spence, CWF**, confirmed that this facility would be for specific vehicles only; it will not be a “truck stop” type facility.

*Mr. Houghland Moved That City Council Approve Proposed Ordinance #03-29, An Ordinance to Rezone Approximately 42.5 Acres of Land Located West of Pocahontas Trail (Route 60 East) At 7239 Pocahontas Trail From RS-1 to MS. The Motion Was Seconded by Mr. Haulman.*

Mayor Zeidler stated that she would abstain from voting on the matter because she is an employee of the Colonial Williamsburg Foundation.

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Houghland, Tabb*

*No: None*

*Abstain: Zeidler*

(SEE ATTACHED ADOPTED ORDINANCE #03-29)

*Mr. Houghland Moved That City Council Approve Proposed Ordinance #03-30, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Section 21-434(6) I., Museum Support District. The Motion Was Seconded by Mr. Haulman.*

Mayor Zeidler stated that she would abstain from voting on the matter because she is an employee of the Colonial Williamsburg Foundation.

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Houghland, Tabb*

*No: None*

*Abstain: Zeidler*

(SEE ATTACHED ADOPTED ORDINANCE #03-30)

*Mr. Houghland Moved the City Council Approve the Special Use Permit for A Vehicle Maintenance Facility Located at 7239 Pocahontas Trail, Contingent Upon Eight Conditions As Recommended by Staff:*

- 1. The special use permit approves the conceptual site plan "Penske Maintenance Facility and Service Center," sheets TS1 (Title Sheet), C1 (Site Layout), GS1 (General Site Plan and Profile) and L1 (Site Landscaping Plan), prepared by DJG, Inc., dated 8/04/03.*
- 2. The special use permit approves the operation of this facility by Penske Truck Leasing, and for the purposes stated in the application:  
"The main purpose of this facility will be to maintain the CWF fleet and to have a dedicated location which tour buses can be directed to park. A secondary and minor use of the facility will be the operation of Penske Truck Leasing's normal business operations (i.e. truck rental, leasing and maintenance of private fleets.)"*
- 3. The final site plan is to be approved by Planning Commission, including the final lighting plan (the Commission is authorized to specify the design and wattage of the lighting and the height of the light poles). Utilities approvals by the James City Service Authority and Newport News Waterworks will be required as a part of the final site plan approval.*
- 4. The final site plan for the entrance driveway located in James City County is to be approved by James City County and VDOT prior to approval of the final site plan by Planning Commission.*
- 5. The detailed landscape and buffering plans shall be approved by Planning Commission at the final site plan stage, and the Commission may require landscaping exceeding the minimum requirements in the Zoning Ordinance. Landscape/buffer areas of 50 and 62 feet shall be provided along the City/County line, as shown on the conceptual site plan, and the site plan shall be designed to ensure that vehicles do not overhang the landscape/buffer areas. A 30 foot wooded buffer shall be provided along the north and south project boundary to a depth of 300 feet from the City/County boundary line, but this buffer may be modified in the future if the modification is approved by the Planning Commission in conjunction with a site plan for an adjacent use.*
- 6. The Stormwater management plan submitted with the final site plan shall design the BMP as a wet pond and address how spills from this site will be prevented from flowing downstream.*
- 7. A subdivision plat shall be approved by the City and James City County consolidating the 50 foot vacated right-of-way in James City County with the approximately 42.5 acre parcel in the City, in order to provide a parcel for development with at least 25*

*feet of frontage on a public street as required by the Williamsburg Zoning Ordinance. The subdivision plat shall include a landscape easement in James City County adjacent to the City/County line that, in combination with the City landscape/buffer area totals 100 feet in depth (38 feet and 50 feet in James City County). The subdivision plat, and the associated landscape easement, shall be approved by James City County prior to approval of the final site plan by Planning Commission.*

8. *The buildings on the site shall use earth tone colors for all exterior materials.*

*The Motion Was Seconded by Mr. Tabb.*

Mayor Zeidler stated that she would abstain from voting on the matter because she is an employee of the Colonial Williamsburg Foundation.

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Houghland, Tabb*

*No: None*

*Abstain: Zeidler*

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

Mr. Tuttle noted the amount of Cigarette Tax collected was \$138,000 (page 1). The cigarette stamps are sold to retailers and affixed to packs before they are purchased. He pointed out the dramatic drop in expenses for purchase of water (page 7), and the \$70,000 adjustment to Sales Tax (page 8).

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Reports were received and ordered filed.*

### **Planning Report**

#### **PCR #03-16: Request of University Suites LLC to amend the Preliminary Plat for Holly Hills Carriage Homes subdivision.**

Reference for this item was Mr. Nester's report dated September 12, 2003. Mr. Nester noted that this amendment to the subdivision plat for Holly Hills Carriage Homes requires City Council action, but not a public hearing. Using an overhead plat, he explained the amendment to the subdivision plat applies to two lots only (lots 38 and 39), and would reduce the street side yard from 25 feet to 23 feet, in order to allow the newer model carriage homes to be built on the lots. He noted that if the subdivision plat was originally submitted with a 23-foot setback, it would have been approved. The Board of Zoning Appeals recently denied the developer's request for a variance on these lots. It was their opinion that no hardship existed. The Planning Commission held a public hearing on this matter and recommended that Council approve the request.

Mr. Nester said in his opinion, this was a minor change with no impact on corner visibility.

*Mr. Haulman Moved that City Council Approve the Amendment of the Preliminary Plat for Holly Hills Carriage homes (PCR #04-97) to Designate the Street Side Yard for Lots 39 and 39 as 23 Feet. The Motion Was Seconded by Mr. Scruggs.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **City Manager Reports**

#### **Jamestown Road Traffic and Parking Study, Consultant Selection**

Mr. Tuttle's September 4, 2003 report explained that a consultant recommendation for the study would be available after the September 9 meeting to review proposals. Mr. Clayton explained that an eight-member committee was formed to assist with the study, which included Joyce Alewynse, Tex Turner, Mary Kate Minecke, Anna Martin, Wayne Boy, Steve Martin and him. A proposal was received from Wilbur Smith Associates and Kimley Horn and Associates. The consultant's fee for the \$80,000 project will be split 50-50 by the city and College. The recommendation was to award the contract to Kimley Horn and Associates in the amount of \$80,000 contingent upon the City Attorney's review.

Mayor Zeidler noted that Mr. Tex Turner was present.

*Mr. Haulman Moved That City Council Award the Contract for the Jamestown Road Traffic and Parking Study to Kimley Horn and Associates in the amount of \$80,000 Subject to the Approval of the City Attorney, with the Understanding That The Cost of the Study Will be Split 50-50 Between the City and the College of William and Mary, and Further, that Any Additional Costs Are Also Contingent Upon the 50-50 Funding*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

#### **Emergency Operations Manual, Readoption**

Reference for this item was Mr. Tuttle's report dated September 12, 2003. Mr. Tuttle explained this revised manual has been reviewed by the Virginia Department of Emergency Management in February 2003 and is now ready for adoption by City Council. Chief Weiler said that the Plan is reviewed and updated every five years, but needs to be readopted.

*Mr. Haulman Moved That City Council Adopt the Revised Emergency Operations Plan Dated February 2003. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

#### **Truck Mounted Vacuum Street Sweeper, Award of Bid**

Reference for this item was Mr. Tuttle's report dated August 25, 2003. Mr. Tuttle explained that the old sweeper was nine years old and is essential to keeping the city clean. Three bids were received in answer to the Invitation for Bid, and staff recommended that the bid be awarded to Virginia Public Works Equipment Company in the amount of \$113,049.

*Mr. Tabb Moved That City Council Authorize the City Manager to Award A Contract to the Virginia Public Works Equipment Company for the Truck Mounted Vacuum Street Sweeper, subject to the Specification, Terms, and Conditions of the Invitation for Bid in the Amount of \$113,049. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **Truck Mounted Sewer Cleaner, Award of Bid**

Reference for this item was Mr. Tuttle's report dated August 25, 2003. Mr. Tuttle said that the storm and sanitary sewer equipment was essential and expensive equipment. Four bids were received following the Invitation for Bid, and Staff Recommended that the contract be awarded to Virginia Public Works Equipment in the amount of \$129,669.

*Mr. Scruggs Moved That City Council Authorize the City Manager to Award A Contract to Virginia Public Works Equipment for the Truck Mounted Sewer Cleaner, Subject to the Specification, Terms, and Conditions of the Invitation for Bid in the Amount of \$129,669. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **Refinancing of Parking Garage Note**

Reference for this item was Mr. Tuttle's report dated September 4, 2003. Mr. Tuttle said that the financing for the Prince George Parking Garage was set up for a \$2.5 Million 15-year bond and a \$4.5 Million two-year note with First Union National Bank. The two-year note is due January 15, 2004, and the refinancing of the note is budgeted for the City's FY 2004 Capital Improvement Projects. City staff is working with the city's financial advisor David Rose of Davenport & Co., to look at interest rates now, and not wait until the January due date. This could potentially save thousands of dollars in interest costs.

Staff recommended that City Council authorize issuance of an Interim Financing Request for Proposals by Davenport & Co., to solicit proposals for a two-year Bank Qualified refinancing of \$4,500,000 for the Prince George Parking Garage project.

Mr. Serra noted that interest rates are now at 2.44% and the rate could drop even lower. He would like to issue the RFP immediately in order to receive bids by September 25, and bring the award of bid to Council in October.

Mr. Houghland favored taking advantage of the low interest rates as soon as possible and suggested that Council may want to hold a special meeting to approve the refinancing. Council members favored quickly moving on the process.

*Mr. Houghland moved That City Council Authorize the Issuance of An Interim Financing Request for Proposals by Davenport and Company, to Solicit Proposals for a Two-Year Bank Qualified Refinancing of \$4,500,000 for the Prince George Parking Garage Project.*

*The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**“CRIMES,” Regional Information Sharing Network, Proposed Ordinance #03-28**

Reference for this item was Mr. Tuttle’s report dated August 25, 2003. Mr. Tuttle explained that if adopted, Proposed Ordinance #03-28 would approve Williamsburg’s participation in the Comprehensive Regional Information Management and Exchange System.

Chief Yost said that the System allows the participating police departments to access a data base on suspected criminals. The System was implemented in early 2001 and went on line in June 2002, for seven major Hampton Roads cities. In early 2003, grant funds became available to allow the five additional HR jurisdictions to participate.

Council members were pleased that the city would have the advantage of this investigative tool. Chief Yost said that each agency will be responsible for keeping the information in the system updated, and that the information obtained from the system will be confirmed.

*Mr. Scruggs Moved that City Council Approve Proposed Ordinance #03-28, An Ordinance Approving the City of Williamsburg Police Department’s Participation in the Comprehensive Regional Information Management and Exchange System (CRIMES) and Authorizing the City’s Chief of police to Execute the Working Agreement. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

(SEE ATTACHED ADOPTED ORDINANCE #03-28)

**UNFINISHED BUSINESS**

Conflict of Interest: At Mr. Houghland’s inquiry, Mr. Phillips explained the State Law addressing Conflict of Interest and what defines “personal interest.” Mr. Phillips commented regarding the recent article in the newspaper about the Mayor and discussion of the Lake Matoaka Amphitheater project. Mayor Zeidler is an employee of Colonial Williamsburg Foundation and not William and Mary. CWF does not have sole interest in that project. In his opinion, Mayor Zeidler has no conflict of interest. She would only need to disclose her employment and state that her employment would in no way affect her ability to make an independent judgment. The law allows for a Council member to introduce an issue, even though he may not be able to discuss or vote on the issue. State Law also provides for the Commonwealth Attorney to give opinions in the matters of conflict of interest, but his opinions would be general in nature and not address a specific issue.

Mayor Zeidler stated she is an employee of Colonial Williamsburg Foundation. She has participated in discussions regarding the Amphitheater. While she believed the College should not do this project alone, she would not commit public money. She did not believe President Sullivan was asking Council for public money. She is a board member of the Williamsburg Performing Arts Center, and believed we need a better performing arts

center, but that does not mean she would offer public tax dollars. Talking about an issue does not mean you will commit public funds. In 1999 she voted on the Performing Arts Center Study, but she was not a board member at that time. We need to look at what is best for our community. She acted in good faith and relied on the City Attorney to advise her.

Mr. Scruggs commented that he did not feel President Sullivan was asking the city for money or putting any pressure on the city when he addressed Council. He was offering for the community and Council to be involved in what type of facility will be built. He appreciated the President's comments. The College wants to engage Council and the citizens.

Parking Regulations: Mr. Tuttle responded to the Mayor that the Police Department is enforcing resident permit parking regulations, especially with the start of a new school year. If a resident has a problem, they should contact the city.

## **NEW BUSINESS**

### **Appointments to Boards and Commissions**

*Mr. Houghland Moved That City Council Appoint Mayor Jeanne Zeidler to the Hampton Roads Planning District Commission Executive Committee, Effective Immediately. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **City Council Compensation**

*Mr. Houghland Moved That City Council Increase the Compensation for the Mayor and Council Members to the Limit Allowed by State Code, Effective After the Next Council Election. The Motion Was Seconded by Mr. Tabb.*

Mr. Houghland commented that the Mayor's job has expanded and Council members serve on many committees, all of which takes a lot of their time. The State's increased allowance is proper. He also felt that Council members should share more of the Mayor's duties.

Mr. Phillips said that Council should pass an ordinance at least four months prior to the election. He suggested the ordinance be considered at the October meeting.

Mr. Houghland withdrew his motion. Mr. Tabb agreed.

*Mr. Houghland Moved That the City Attorney Prepare An Ordinance Regarding Council Compensation for the October Meeting. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*



The meeting adjourned at 4:00 p.m.

Approved: October 9, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor